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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

In re Application of :
HSU, BEN :
Application No. 10/721,291 :
Filed: November 26, 2003 :
Attorney Docket No. BHT-3125-173 :

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181, received in the United States Patent & Trademark Office (USPTO) via facsimile transmission on July 17, 2006.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed March 22, 2006. The Notice of Abandonment, mailed on June 26, 2006 indicates, "The submitted fee of \$0 is insufficient. A balance of \$1,000 is due."

Petitioner asserts that at all times between June 12, 2006 and the mailing of the Notice of Abandonment on June 26, 2006, adequate funds were maintained in their deposit account sufficient to cover the required fees. In support of this assertion petitioner has submitted copies of pages of their June monthly statement for Deposit Account 50-1874.

Part B – Fee(s) Transmittal received on June 12, 2006, authorized the Issue Fee and Publication Fee be charged to Deposit Account No. 50-1874. On June 12, 2006, when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fees. The Deposit Account Maintenance record provided by the Office of Finance indicates that the Deposit Account balance amount was \$.00.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

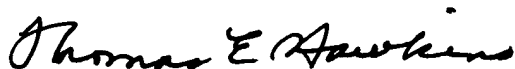
Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 P O Box 1450
 Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 137.



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